

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Goddard <i>et al.</i> Serial No.: 09/869,566 Filed: February 19, 2002 Title: IL-1 RELATED POLYPEPTIDES	Group Art Unit: 1646 Examiner: Dong Jiang Confirmation No: 4737 Customer No: 09157 Electronically Submitted October 5, 2006
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DECLARATION OF AUDREY GODDARD, PH.D. UNDER 37 C.F.R. § 1.131

Sir:

I, Audrey Goddard, Ph.D. declare and say as follows:

1. I am presently the Associate Director in the Department of Diagnostics and Pathology at Genentech, Inc., South San Francisco, CA 94080. During the relevant time period below, my title was Senior Scientist, Molecular Biology.
2. I am one of the inventors of the above captioned patent application.
3. I am aware that some of the claims in the above captioned patent application have been rejected as being anticipated by US2003/0091532, published on May 15, 2003, and its PCT equivalent WO 00/36108, published on 22 June 2000.
4. I, along with James Pan, the other inventor of the above captioned patent application, conceived of and reduced to practice the polypeptide sequences shown in the present specification as SEQ ID NO: 5, in the United States prior to June 22, 2000. The polypeptide encoded by SEQ ID NO:5 is also referred to as "hIL1-1Ra1".

5. With specific regard to the conclusions set forth in paragraph 4, above, enclosed herewith and labeled "Exhibit 1 in Support of the Declaration of Audrey Goddard, Ph.D. under 37 C.F.R. § 1.131" is a copy of U.S. Provisional Application No. 60/113,430, filed 23 December 1998 (Attorney Docket number PR2534) (*i.e.*, prior to the publication of both US2003/0091532 and WO 00/36108). The enclosed provisional application was filed on behalf of Genentech, Inc. and I am a named inventor thereon. I note that the nucleic acid and polypeptide sequences shown in Figures 2 and 3 and further described in Example 1 correspond exactly to the nucleic acid and polypeptide sequences shown in the above captioned patent application as SEQ ID NOs:4 and 5. As such, the enclosed "Exhibit 1 in Support of the Declaration of Audrey Goddard, Ph.D. under 37 C.F.R. § 1.131" makes clear that I and my associated co-inventor, conceived of and reduced to practice the polypeptides encoded by the nucleic acid sequence shown in the present specification as SEQ ID NO:5, in the United States prior to 22 June 2000.
6. Moreover, the enclosed "Exhibit 1 in Support of the Declaration of Audrey Goddard, Ph.D." also demonstrates that I and my associated co-inventors conceived of the genus of nucleic acid molecules encoding the amino acid sequence encoded by the human protein cDNA deposited under ATCC Deposit No. 203587. Specifically, one is directed page 3, lines 15-24 demonstrates conception of such polypeptides prior to 22 June 2002.
7. I hereby declare that all statements made herein are of my own knowledge, are true, and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Signed: A. Goddard

Audrey Goddard, Ph.D.

Date: August 11, 2006